THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.22899 OF 2007

DATED: 30-10-2007

BETWEEN

Geenapati Sankara Rao,
S/o. Late Bangarayya,
R/o. D.No.8-11-3/1,
Railway Station Road,
Vizianagaram and others.

...PETITIONERS

AND

The District Collector,
Vizianagaram District,
Vizianagaram and another.

...RESPONDENTS

ORDER:

Petitioners submit that they have purchased various extents of lands for construction of houses in T.S.No.1048 of Vizianagaram Town of Vizianagaram District and after obtaining permission from the concerned authorities they have constructed the houses. While so, the second respondent issued notices in Rc.No.1158 of 2007 dated 25.09.2007 to the petitioners under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905 calling upon them to submit explanations on/before 10.10.2007 as to why they shall not be dispossessed on the ground that they are encroachers of the land indicated in the show cause notice situated in T.S.No.1048 of Peddacheruvu Tank, Vizianagaram. Petitioners further submit that the said lands are not tank poramboke but they are patta lands and accordingly they have submitted explanations to the said show cause notice on 13.10.2007.

2. Learned Government Pleader appearing for the respondents submits that so far no final orders have been passed and the explanations submitted by the petitioners are being examined.

3. I am not inclined to express any opinion with regard to the merits of the case as it is for the enquiring authority to consider and dispose the explanations/representations submitted by the petitioners in accordance with law.

4. Having regard to the facts and circumstances of the case,
the second respondent is directed to consider and dispose the explanations/representations filed by the petitioners to the impugned show cause notices issued in proceedings Rc.No.1158/07 dated 25.09.2007, after giving reasonable opportunity to them, in accordance with the provisions of the Act. However, if any adverse orders are passed under Section 6 of the Act against the petitioners, no coercive steps shall be taken to dispossess them for a period of 10 days from the date of service of final orders so as to enable them to file an appeal.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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V. ESWARAIAH, J

October 30, 2007
Note: Furnish C.C. of the order by 31.10.2007
(**B**/**o**)
DSK